

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

ATHENA BACHTEL, et al., )  
                                )  
Plaintiffs,                 )  
                                )  
vs.                         )                              Case No. 2:08CV0049 AGF  
                               )  
                               )  
CITY OF MOBERLY, et al., )  
                               )  
Defendants.                 )

**ORDER**

**IT IS HEREBY ORDERED** that Plaintiff's motion (Doc. #20), for leave to file an amended complaint is **GRANTED**. Plaintiffs shall timely obtain proof of service, or waiver thereof, as to the newly-named (previously John Doe) Defendants.

**IT IS FURTHER ORDERED** that as Count III in the amended complaint is essentially identical to Count III in the initial complaint, the City of Moberly's motion (Doc. #15) to dismiss Count III of the original complaint shall be deemed to address Count III of the amended complaint. Said motion is **GRANTED**. This Count asserts that the City of Moberly can be held liable on a theory of respondeat superior for the allegedly unconstitutional acts of its police officers. As Plaintiffs recognize, this is not the current state of the law, and the Court rejects Plaintiffs' suggestion that it can modify existing United States Supreme Court precedent on this matter.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of December, 2008.